

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED PARTNERSHIP,
a New Mexico limited partnership,

Plaintiff,

vs.

Civ. No. 00-655 JC/WWD ACE

CONOCO INC., a Delaware corporation, AMOCO
PRODUCTION COMPANY, a Delaware corporation,
and AMOCO ENERGY TRADING CORP., a
Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff Elliott Industries Limited Partnership's Motion to Compel Defendants Conoco's Production of Documents filed November 30, 2000 [docket no. 80]. The motion seeks production in connection with Plaintiff's Request for Production ("RFP") #76 which reads as follows:

All correspondence or other communications (exclusive of pleadings filed pursuant to the Rules of Civil Procedure) relating to the subject matter of this case received by Defendant Amoco and Conoco from counsel representing the Plaintiffs in Dichter, et al. v. Amoco and Conoco [a related State court case].

Conoco objected to RFP#76 on the ground of "relevance" and that the request "is not reasonably calculated to lead to the discovery of admissible evidence."

Plaintiff has sued Defendants in this court and another set of plaintiffs has brought a similar suit against Defendants in state court. Counsel for the plaintiffs in each suit are jockeying for position so that their particular suit will be heard first. In connection with this effort, Plaintiff's

counsel in the state case has apparently taken certain actions or made certain suggestions to Defendants in connection with the federal case. Plaintiff now seeks any communications made by the state Plaintiff's counsel to Defendants relating to the subject matter of the federal case. Defendant Conoco's objections are not well taken in the circumstances here presented.

WHEREFORE,

IT IS ORDERED that on or before January 26, 2001, Defendant Conoco shall make full production to Plaintiff of the materials sought in plaintiff's Request for Production No. 76.


UNITED STATES MAGISTRATE JUDGE